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30. (new) A holder according to claim 29 wherein the length of the holder is at least 100% greater than the width of the computer readable storage medium.

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Claim 18 has been amended to correct an obvious error in the way it was written. This amendment is not in response to any rejection and does not narrow the claim.

Objections/rejections under section 112

Applicants have deleted the word "and" from claim 10, because in fact they cannot see how the holder could have the size both of a business card and a credit card.

The other objections or rejections under section 112 are respectfully traversed.

The Examiner persists in saying that the term "standard" does not describe any particular size or shape. Applicants have previously demonstrated with reference to submitted documents that this is simply incorrect. There are standard sizes and shapes for both business and credit cards.

The Examiner further speculates that such standards might change at some future date. Applicants fail to see why that should be. The undersigned is 51 years old and to her knowledge the standard sizes of business and credit cards have not changed during her lifetime. Changing their size would be very inconvenient and annoying to everyone. The situation where standards can be routinely changed is where some single business entity has monopoly control of the standard, for instance, when Microsoft comes out with new versions of Windows, because this serves the company's own business motivation. Applicants are not aware that there is any similar business with the ability and motivation to change the standard sizes of credit and business cards.

However, even if the standard should at some future time happen to change, as the Examiner speculates, or if more than one standard should happen to exist, that will not change the fact that it is useful for the holder to have whatever size is the standard size at the time, since

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the standard size will fit into things like wallets and business card holders that would have to exist to accommodate standard-sized business and credit cards.

In any case, speculating whether a standard might change is improper. Suppose for a moment that instead of saying "standard" the claims specified particular dimensions in centimeters or inches. Those units of measurement are *themselves* also defined by standards. What if the standards defining units of measurement were to change, for some as yet unrevealed reason? Then perhaps it would become unknown what the actual size of anything might be, as it is currently unclear how or why these speculative future people might change the standards defining units of measurement.

To take this line of reasoning a bit further, one could speculate that the entire English language might change – as indeed it has changed over history, given that we speak not at all the same way that Shakespeare did, for instance, and certain words in historical English literature no longer mean what they used to mean, while others have become archaic and unused. Or perhaps Al-Qaeda may be victorious and we might all start speaking Arabic instead of English, and therefore our grand children might not understand any patent literature we are currently generating. Given that the entire English language will most likely some day change or even disappear, then any claim might be said to be indefinite as one cannot predict how these hypothetical future humans might interpret our words.

Moreover, technology itself might be lost entirely due to some cataclysmic event, such as nuclear war or asteroid impact, and people might revert to living as illiterate cavemen, rendering all patent literature incomprehensible. Or even worse, perhaps after this cataclysm there will be no people, only rodents and insects, and these future residents of our planet will only know how to shred, not read, patent documents.

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Shall we fail then to patent anything, because we are uncertain what language might mean at some future time or whether anyone might understand it given changed conditions?

This is simply not how patent law is practiced. We have some faith that somehow future people will know what we mean when we speak, perhaps by reference to old dictionaries or old standards documents – or perhaps by reference to the extensive evidence now in the filewrapper as to what this language currently means. Additionally, if future people for whatever reason lose the ability to understand or remember the meaning of what we are saying, that will most likely be after the patent has expired.

Moreover, even the reference cited by the Examiner, Perego, teaches that credit and telephone cards have standardized shapes, per paragraph 0002.

Withdrawal of this line of rejection/objection is accordingly respectfully requested.

### Art rejections

The art rejections are respectfully traversed, except as indicated below.

### Claim 22

This claim recites first and second pairs of lips.

The Examiner purports to find this in Helmer. Applicants respectfully submit that the Examiner mischaracterizes the reference. Applicants only see a single pair of lips that goes all the way around the license plate in Helmer.

This claim recites that the pairs oppose each other across an opening and are separated by first and second gaps between the pairs. The Examiner is referred to the embodiment of Figs. 2

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A and B for better understanding here. The pairs of lips (22, 22') are separated across the opening. Line B goes through the first and second gaps between the pairs of lips.

By contrast, in Helmer, Applicants are not finding such first and second gaps, but rather a continuous pair of lips all around the opening.

Applicants according respectfully submit that the Examiner has mischaracterized the reference.

This argument is supplemented below with respect to claim 10, from which claim 22 depends.

#### Claim 10 -- Perez

Claim 10 has been amended to delete the "detachably attached" language, inadvertently retained previously. Applicants hope that this will satisfy the Examiner's continued objection to that claim.

The reference, EP 1083563, shows a holder onto which a storage medium can be mounted. The storage medium is not "encased." The reference accordingly fails to teach or suggest claim 10.

#### Claim 10 -- Helmer

The Examiner also cites Helmer against claim 10. In making this rejection, the Examiner characterizes Helmer as showing a case in which a computer readable storage medium may be encased. Applicants respectfully disagree. Helmer shows a license plate holder. Applicants fail to see how one of ordinary skill in the art could interpret the reference as teaching or suggesting that this holder could accommodate any computer readable media.

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The claim also states that the holder is of a size corresponding to a standard credit card or business card. Applicants are not finding any teaching or suggestion of this in Helmer. License plates are much bigger than business or credit cards – and accordingly cannot fit in the standard containers designed for such cards. Indeed, license plates are not intended to be conveniently tucked away in a carrying case in a pocket or purse. Instead, they are supposed to be displayed on an automobile in a fashion visible from a distance, particularly by the police. Accordingly, this is not a matter of a mere size difference, but rather a matter of a functional difference.

Also, there would be no motivation to use the license plate holder of Helmer for the purpose of accommodating a computer medium, because the form of the holder there is only suitable for mounting on a motor vehicle by punching holes 24.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 10.

The rejections of claims depending from 10 over Helmer are deficient for the same reason, that again they refer to the computer readable storage medium, not a license plate.

Claims 13-15

Claims 13 and 15 have been amended to put them in independent form, including the detachably attached language.

Claims 13 and 14 have been amended to more clearly define the invention as shown in the drawing of the application. In view of these amendments, Applicant respectfully submits that the Examiner's remarks are now moot.

Claim 13 now recites that the length of the card is 75% greater than the width of the medium. This allows, per Fig. 2A for more substantial areas of the card to be free for other

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purposes. This is only possible with reference to the particular environment with a different sized medium.

Claim 15 has been amended to put in independent form and to relate only to the detachably attached limitation, rather than the encased limitation. The Examiner has stated that Perego teaches more than one storage medium on one card, per col. 5, lines 56-58. However, this section talks about integrating storage media into the card. It should be noted that the reference discusses having both a DVD, which is a first storage unit 7, and a further storage unit 17, per paragraph 0030. The further storage unit 17 appears to be a microchip and does not appear to be removable. Applicants understand the plural memory units referred to in paragraph 0036 to be of that microchip variety, not of the DVD variety, because they are stated to be integrated into the card, and therefore apparently not removable. Accordingly, Applicant does not believe that the reference teaches or suggests that at least two computer readable storage media could be detachably attached, per the recitations of claim 15. Applicant accordingly respectfully submits that the Examiner has failed to make a *prima facie* case against claim 15.

New claims 27-30 correspond to the prior multiple dependencies of claim 15.

### Claim 18 -- Perego

This claim recites that the holder has an opening approximately the size of the storage medium.

The Examiner purports to find this limitation in Fig. 4 of the Perego reference. Applicant respectfully submits that the Examiner mischaracterizes the reference. Applicant sees in Fig. 4 that there is a surface recess 11, not an opening. Applicant accordingly respectfully submits that the Examiner has failed to make a *prima facie* case against claim 18.

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### Claim 23

This claim now recites that the storage medium has two planar faces; and that neither planar face is entirely covered by the card. Perego's card does cover one of the faces of the DVD. Reconsideration of the rejection is accordingly respectfully submitted.

### Claim 16-17

Claim 16 has been amended because the limitation relating to the surface of the holder has been removed as unnecessary. This amendment is not in response to any rejection and does not narrow the claim.

Claim 16 recites that the holder is adapted to hold storage media side by side – but in the holder of claim 15, which is of the size of a standard credit card or business card. This is not in response to any rejection and does not narrow the claim.

The Walker reference is cited against this claim. This reference relates to a display holder, which appears to be much larger than a standard credit card or business card and therefore does not share the functional advantages attributable to this size limitation.

Per claim 17, The Examiner states that the device of Walker is adapted to hold two "small form factor optical discs." Applicants respectfully disagree. They understand Walker to be adapted only to hold standard sized CDs.

### New claim 24

New claim 24 has analogous limitations to claim 22, with respect to the argument made above, except that it refers to at least first and second openings. Claim 24 also has limitations

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analogous to those argued for claim 23. Claim 24 does not, however, include the limitations of claim 21, from which 22 depends.

#### New Claim 26

This claim explicitly sets forth the limitation that the holder is suitable for storage in a wallet, which has been argued but not claimed previously.

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Applicant respectfully submits that he has addressed each issue raised by the Examiner  
— except for any that were skipped as moot — and that the application is accordingly in  
condition for allowance. Allowance is therefore respectfully requested.

Respectfully submitted,

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